

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER AMIR WEAVER,
Plaintiff,
vs.
CITY OF LAS VEGAS, *et al.*
Defendants.)
Case No. 2:16-cv-00323-JAD-GWF
**REPORT AND
RECOMMENDATION**

This matter is before the Court on Plaintiff's failure to comply with the Court's Order to Show Cause (ECF No. 7), filed on December 8, 2016.

Plaintiff is proceeding in this action *pro se* and he submitted a complaint on February 17, 2016 and an amended complaint. (See ECF Nos. 1-2 and 3). The Court issued a Screening Order (ECF No. 4) granting Plaintiff's request to proceed *in forma pauperis* and screening the amended complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's amended complaint failed to properly state a claim against the defendants and allowed him until October 28, 2016, to file an second amended complaint. Upon accepting the undersigned's report and recommendation, the District Judge allowed Plaintiff until November 14, 2016 to file a second amended complaint. (See ECF No. 6). The District Judge advised that if Plaintiff did not file a proper second amended complaint, then this case would be dismissed and closed. *Id.* Plaintiff did not filed a second amended complaint by that date.

On December 8, 2016, the Court entered an Order to Show Cause (ECF No. 7) directing Plaintiff to show cause, in writing, no later than December 19, 2016, why this matter should not be dismissed for failure to file an amended complaint. Plaintiff was again warned that a failure to show cause in writing or file an amended complaint would result in a recommendation to the district judge

1 that this case be dismissed. To date, Plaintiff has not filed a second amended complaint, requested
2 an extension of time, or taken any other action to prosecute this case. Accordingly,

3 **IT IS HEREBY RECOMMENDED** that Plaintiff's Amended Complaint (ECF No. 3) be
4 **dismissed** with prejudice.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close this
6 case and enter judgment accordingly.

7 DATED this 5th day of January, 2017.

8 
9 GEORGE FOLEY, JR.
10 United States Magistrate Judge

11
12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned district judge pursuant
14 to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit.
15 Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment.
16 See Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing
17 to object to a magistrate judge's findings and recommendations shall file and serve *specific written*
18 *objections*, together with points and authorities in support of those objections, within 14 days of the date
19 of service. See also 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned
20 "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page
21 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified
22 time may result in the district court's acceptance of this Report of Findings and Recommendation without
23 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure
24 to file timely objections to any factual determinations by a magistrate judge may be considered a waiver
25 of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to
26 the recommendation. See *Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.
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